

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

SEP -6 2017

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES M. LILEY III,

Defendant.

NO.

**4:17CR00401 SNLJ/NCC**

**INDICTMENT**  
**COUNT I**

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
  - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
  - (ii) bestiality,
  - (iii) masturbation,
  - (iv) sadistic or masochistic abuse, or
  - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A)); and

- (c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
  - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
  - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about August 1, 2016, and on or about March 22, 2017, in the Eastern District of Missouri, and elsewhere,

**CHARLES M. LILEY III,**

the Defendant herein, did knowingly use a minor, "N" to engage in sexually explicit conduct, specifically, Charles Liley III produced a graphic image of his penis in the mouth of "N", and said sexually explicit conduct was for the purpose of producing a visual depiction of such

conduct, to wit: an image of his penis in the mouth of minor child "N", and such depiction was produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce,, i.e., Samsung cell phone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

## **COUNT II**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about August 1, 2016, and March 22, 2017, in the Eastern District of Missouri, and elsewhere,

### **CHARLES M. LILEY III,**

the defendant herein, did knowingly possess material that contains an image and video of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit: a Hitachi Hard Drive that was produced outside of Missouri and therefore has traveled in interstate and foreign commerce, and said hard drive contained child pornography, including but not limited to the following:

- 1) "carved 546" – a graphic video file depicting a prepubescent minor female in a lascivious display of her genitals;
- 2) "carved 614" – a graphic video file depicting a minor prepubescent female in a lascivious display of her genitals;
- 3) "carved 616" – a graphic video file depicting a minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

A TRUE BILL.

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FOREPERSON

CARRIE COSTANTIN  
Acting United States Attorney

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COLLEEN C. LANG, #56872MO  
Assistant United States Attorney